IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.335 OF 2004
IN
NOTICE OF MOTION NO.2669 OF 2003
IN
SUIT NO.1311 OF 2003

Union of India,
Through Dy.Salt Commissioner, Mumbai Appellants
vs.

Messrs.Khetan Industries Pvt. Ltd. & ors. Respondents

Mr. S.M.Shah i/b. Mr.S.S.Sarkar for the appellants.

Mr.R.D.Suvarna for the respondent no.1.

Mr.P.K.Shroff for the respondent no.2.

Mr.Milind More, A.G.P. for the State-respondent no.4.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 6th June 2005

P.C.

Heard Mr.S.M.Shah, the learned counsel for the appellants.

2. By the impugned order dated 11th February 2004 the learned trial Judge refused to grant any ad-interim relief pending notice of motion. The learned trial Judge on consideration of the material on record held that prima facie it is doubtful that the plaintiffs were the owners of the suit land. The learned trial Judge also held that though the notice of motion was taken out

on 12th December 2003, the Court was moved for grant of ad-interim relief in the month of February 2004 and for that reason also no ground of ad-interim relief made out.

3. We hardly find any justification to interfere with the order of the trial Judge.

4. Appeal, therefore, does not deserve to be admitted.

5. The appeal is dismissed in limine. The learned trial Judge has already expedited the hearing of the notice of motion. We observe that keeping that in view the learned motion Judge may hear and decide the notice of motion as early as possible.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)